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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LAPCEVIC

Serial No.: 09/598,506

Filed: June 21, 2000

Art Unit: unknown

Examiner: unknown

Atty. Docket No.: 02-640-US

METHOD FOR BRANDING A
FACILITY

Pittsburgh, Pennsylvania 15230

Commissioner for Patents
Attention: Office of Petitions
Washington, D.C. 20231

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 CFR 1.137(b)**

Sir:

The above-identified application may have become abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. Specifically, a response to a Notice of Missing Parts of unknown date was not timely filed.

Applicant hereby petitions for revival of this application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

deposited with the United States Postal Service on January 6, 2003, with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, Attention: Office of Petitions, Washington, D.C. 20231.

Debbie LeDonne

(Signature of person mailing paper or fee)

FACSIMILE

transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

Type Signature Name

(Signature of person mailing paper or fee)

01/14/2003 SLUANG1 0000001 09598506

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OFFICE OF PETITIONS



Serial No.: 09/598,506
Docket No.: 02-640-US

Accordingly, enclosed are the following:

1. Petition fee

Small entity-fee \$650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. A Verified Statement Claiming Small Entity Status is enclosed.

Other than small entity-fee \$ _____ (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee of \$ _____.

has been paid previously on _____.
 is enclosed herewith.

C. The surcharge of \$65 for late filing of an original Declaration is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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5. Please find enclosed a copy of a letter dated November 22, 2002 from Applicant's previous attorney indicating a Notice of Missing Parts may have been sent to the inventor rather than Applicant's previous correspondence address. Thus, apparently no Notice was received by Applicant's previous attorney of record and therefore no response was filed.

Respectfully submitted,



Cheryl L. Gastineau
Reg. No. 39,469

REED SMITH LLP
P.O. Box 488
Pittsburgh, PA 15230-0488
(412) 288-4152

Agent for Applicant

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Kirkpatrick & Lockhart LLP



November 22, 2002

Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312
412.355.6500
www.kl.com

Jonathan C. Parks
412.355.6288
Fax: 412.355.6501
jparks@kl.com

VIA MESSENGER

Frederick H. Colen, Esq.
Reed Smith Shaw & McClay LLP
435 Sixth Avenue
Pittsburgh, PA 15219

Disclosure Title: Method for Syndicating Advertisements

Jurisdiction: United States

Inventor: Thomas Lapcevic

62-638-05

Filing Date: March 21, 2000 **Serial No.:** 09/532,162

Our File: 00116

Disclosure Title: System and Method for Delivering Audio and Video Content to Facilities

Jurisdiction: United States

62-639-05

Inventor: Thomas Lapcevic

Filing Date: March 21, 2000 **Serial No.:** 09/532,163

Our File: 00031

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Disclosure Title: Method for Branding a Facility

OFFICE OF PETITIONS

Jurisdiction: United States

62-640-05

Inventor: Thomas Lapcevic

Filing Date: June 21, 2000

Serial No.: 09/598,506

Our File: 00419

Dear Mr. Colen:

As per the request of Thomas Lapcevic of ClubCom, Inc., we are enclosing the files for the above-identified patent applications. Please note that a response to an Office Action for the patent application entitled "Method for Syndicating Advertisements" has a three-month due date of November 26, 2002. Also, please note that we recently learned that the patent application entitled "Method for Branding a Facility" has become abandoned. We recently contacted the United States Patent Office to inquire as to the status of this application, and we were informed that a Notice of Missing Parts was mailed by the Patent Office directly to Mr. Lapcevic. We were not copied on the notice. Because, apparently, no response was filed to the Notice of Missing Parts, a Notice of Abandonment was mailed by the Patent Office directly to Mr. Lapcevic. Again, we were not copied. As per the instructions of Mr. Lapcevic, we will not attend to these matters.

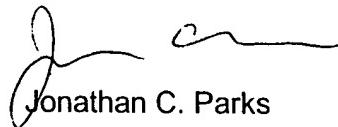
PI-934283 v1 0222175-0201

Kirkpatrick & Lockhart LLP

Frederick H. Colen, Esq.
November 22, 2002
Page 2

We request that you forward copies of Revocation of Power of Attorney forms to us upon filing the same for our records. If you have any questions relating to these matters, please do not hesitate to contact me.

Sincerely,



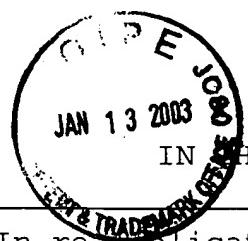
Jonathan C. Parks

JCP:cls
Enclosures
cc: Thomas Lapcevic (w/o encls.)
Mark A. Rush, Esq. (w/o encls.)

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METHOD FOR BRANDING A
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OFFICE OF PETITIONS

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to a possible Notice To File Missing Parts
Of Application - Filing Date Granted mailed on date unknown,
Applicant hereby submits the following:

1. An original Combined Declaration And Power Of Attorney.
2. An assignment of the application to ClubCom, Inc. and
an assignment recordation cover sheet.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

deposited with the United States Postal Service on January 6, 2003, with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

Debbie LeDonne

Type Signature Name

(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

3. A verified statement claiming small entity status
 is attached.
 has been filed.
 A separate refund request accompanies this paper.

4. The filing fee is calculated below.

<u>FOR</u>	<u>(Col. 1) NO. ON FILE</u>	<u>(Col. 2) NO. EXTRA</u>	<u>SMALL ENTITY RATE</u>	<u>FEE</u>	<u>OTHER THAN A SMALL ENTITY RATE</u>	<u>FEE</u>
Basic Fee	/////////	/////////	////	\$370	OR	//// \$740
Total Claims	-20		x \$ 9	= \$	OR X	= \$ 18
Ind. Claims	-3		x \$ 42	= \$	OR X	= \$ 84
<input type="checkbox"/> Multiple Claims	Dependent Presented		x \$140	= \$	OR +	\$280 = \$0
			<u>TOTAL</u>	= \$	<u>OR</u>	<u>TOTAL</u> = \$

5. The surcharge for late payment of the filing fee and/or the late filing of an original Declaration is:

\$65.00 (small entity) \$130.00 (large entity)

6. Fee Payment Being Made:

Enclosed

<input type="checkbox"/> Filing fee	\$
<input checked="" type="checkbox"/> Surcharge	\$ 65
<input checked="" type="checkbox"/> Recording Assignment	
[\$40.00; 37 CFR 1.21(h)]	\$ 40
Total fees enclosed	\$105

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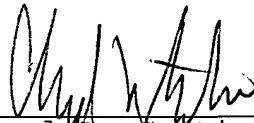
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7. A check in the amount of \$[Amount] to cover the filing fee is enclosed.
8. A check in the amount of \$65 to cover the surcharge is enclosed.
9. A check in the amount of \$40 to cover the assignment recordation fee is enclosed.
10. The Director is authorized to charge the \$[Amount] filing fee, the \$[Amount] surcharge and the \$[Amount]

assignment recordation fee to Deposit Account No. 18-0582.

11. The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this paper is attached.

Respectfully submitted,



Cheryl B. Gastineau
Reg. No. 39,469

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Agent for Applicant

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